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02. 27. 03

Attorney's Docket No.: 05542-170006 / 881D5/CMP

DAE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert D. Tolles et al. Art Unit : 3724
Serial No. : 09/507,172 Examiner : Timothy V. Eley
Filed : February 18, 2000
Title : CHEMICAL MECHANICAL POLISHING SYSTEM HAVING MULTIPLE
POLISHING STATIONS AND PROVIDING RELATIVE LINEAR POLISHING
MOTION

BOX DAC

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PLEAIONS

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR § 1.8(b) and § 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed February 5, 2003 (copy enclosed). The application was abandoned under 37 CFR § 1.135 for failure to respond to the Office letter mailed on January 10, 2003, a Notice to File Corrected Application Papers.

The undersigned, applicant's attorney of record, first became aware of the abandonment on February 12, 2003, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR § 1.8(b).

First, the Notice of Abandonment appears improper on its face. The Notice to File Corrected Application Papers was mailed January 10, 2003, and required a response within 30 days. Since February 9, 2003 fell on a Sunday, the due date for the Notice to File Corrected Application Papers was February 10, 2003. In contrast, the Notice of Abandonment was mailed on February 5, 2003, five days before the due date for response!

Second, the Notice to File Corrected Application Papers was itself improper. The Notice states that "the declaration is missing the last 3 inventors signatures." However, the signatures of the last 3 inventors were not needed. Pursuant to 37 CFR 1.63(d)(3), the Application was filed with copies of an original declaration, a decision granting status under 1.47 to the prior application, and a supplemental declaration correcting the errors noted in the decision. Thus, signatures of the other inventors are not required.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 173 602 980 US

February 25, 2003

Date of Deposit

Third, a response to the Notice to File Corrected Application Papers was timely filed on February 4, 2003. The following documents are submitted under 37 CFR § 1.8(b)(2) as proof that a reply was timely filed on February 4, 2003, and received by the Patent Office on January 10, 2003, prior to expiration of the 30-day response period:

1. A copy of the January 10th, 2003 Office Letter, a Notice to File Corrected Application Papers, stating that "applicant must supply missing information within 30 days of the mail date of this notice";
2. A copy of the Notice of Abandonment, which was mailed on February 5, 2003 (5 days before the response was required, as stated above);
3. A copy of the reply to the Office letter as filed with the Patent Office, including an executed certificate of mailing signed by Matilde Sanchez on February 4, 2003 (6 days before the reply was required, and before the mailing of the Notice of Abandonment);
4. A copy of the postcard stamped received by the Patent Office Mailroom on February 10, 2003, proving that the Patent Office received the reply.

In view of the foregoing, Applicant requests that the Notice of Abandonment be withdrawn.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/25/03

David J. Goren
David J. Goren
Reg. No. 34,609

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

In response to the Notice to File Corrected Application Papers mailed January 10, 2003 (copy enclosed), applicant as a large entity submits herewith the following (which had been previously provided to the Patent Office at the time that this present application was filed):

- ☒ A Prior Declaration Under 37.C.F.R. 1.47 (a) and 1.63 and Power of Attorney which was also filed in the parent case;
- ☒ A Prior Supplemental Declaration Under 37.C.F.R. 1.47 (a) and 1.63 and Power of Attorney which was also filed in the parent case;
- ☒ Decision According Status Under 37 CFR 1.47(a) from the Patent Office which grants the parent application 1.47(a) status;
- ☒ Three Letters from the Patent Office dated August 21, 1996 to the three non-signing inventors (Mr. Lee, Mr. Gantvarg, Mr. Perlov) which shows the Patent Office's intent in trying to reach these inventors.

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 4, 2003
Date of Deposit

Matilde C. Sanchez
Signature

Matilde C. Sanchez
Typed or Printed Name of Person Signing Certificate

Applicant : Robert D. Tolles et al.
Serial No. : 09/507,172
Filed : February 18, 2000
Page : 2

Attorney's Docket No.: 05542-170006 / 881D5/CMP

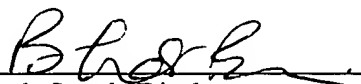
This present application is a divisional of U.S. Serial Number 09/042,204, filed March 13, 1998, and which issued as 6,126,517 on October 3, 2000, which is a divisional of U.S. Serial Number 08/549,336, filed October 27, 1995, and which issued as 5,738,574 on April 14, 1998. The above listed documentation was originally filed in the parent U.S. Patent 5,738,574 (08/549,336).

In accordance with 37 C.F.R. § 1.63 (d)(1)(iv) and (d)(3)(i), a copy of the above listed documentation, including the Decision According Status Under 37 CFR 1.47 to the parent (08/549,336) application, was submitted upon filing the application herein. If further information is required, please contact me at the telephone number below. It is understood that this perfects the application and no additional papers or filing fees are required. No fees are believed due, however, please apply any charges or credits to Deposit Account No. 06-1050.

Brenda Leeds Binder has been given limited recognition under 37 CFR § 10.9(b) as an employee of the Fish & Richardson PC law firm to prepare and prosecute patent applications wherein the patent applicant is a client of Fish & Richardson PC and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson, which is the case in the present application. A copy of the Limited Recognition document, which expires August 6, 2003, is attached hereto.

Respectfully submitted,

Date: Feb 4/03


Brenda Leeds Binder
Limited Recognition under 37 CFR § 10.9(b)

Fish & Richardson P.C.
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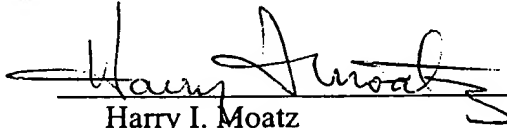
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Brenda Leeds Binder is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Fish & Richardson P.C. law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Fish & Richardson P.C. law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Fish & Richardson P.C. law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Brenda Leeds Binder ceases to lawfully reside in the United States, (ii) Brenda Leeds Binder's employment with the Fish & Richardson P.C. law firm ceases or is terminated, or (iii) Brenda Leeds Binder ceases to remain or reside in the United States on a H1-B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: August 6, 2003



Harry I. Moatz
Director of Enrollment and Discipline